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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PHASE FORWARD INCORPORATED,
a Delaware Corporation,

Plaintiff,

v.

MARY NOEL ADAMS, individually and
d/b/a PHASE FORWARD, and PHASE
FORWARD LLC, a California Limited
Liability Company,

Defendants.

CASE NO. C 05-4232 JF (HRL)

The Honorable Jeremy Fogel

**STIPULATION AND [PROPOSED]
ORDER REGARDING DISMISSAL OF
ACTION**

Trial: October 27, 2008
Pretrial Conference: October 17, 2008
Courtroom Three, 5th Floor

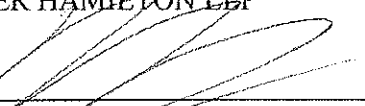
The Court has already entered an Order dismissing this action with prejudice. *See* Order of Oct. 7, 2008 (Dkt. No. 110). The Parties, Plaintiff Phase Forward Incorporated and Defendants Mary Noel Adams d/b/a Phase Forward and Phase Forward LLC, by and through their respective undersigned counsel, hereby stipulate that each Party is to bear its own costs and fees incurred in connection with this matter.

Respectfully submitted,

PEPPER HAMILTON LLP

Dated: 12/22/08

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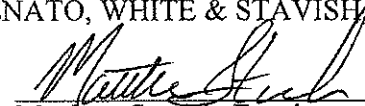
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/5/09


JEREMY FOGEL
United States District Judge